

Application No. 10/781,503

AMENDMENTS TO THE DRAWINGS

In the corrected drawings, the reference number 322 and 324 of Fig. 11 have been replaced with 332 and 334 to correspond with the description. In Fig. 12, the flow arrow has been given the reference number 358. All of the drawings have been replaced with formal drawings.

Attachment: Replacement Sheets 1-5.

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REMARKS

Claims 20-37 and 47-52 are pending, and claims 48-51 are withdrawn from consideration. Claims 20, 23, 25, 27, 28, 31, 33, 34, 37 and 47-51 have been amended for clarity. Applicant does not intend to narrow the claims based on the amendments to the claims. The specification has been amended to correct formal matters and to update the reference to a copending patent application this is now issued. No new matter is introduced.

As the Examiner noted, Applicant elected the species of Group G without traverse. Applicant inadvertently, incorrectly indicated that claims 48-51 were generic. However, the elected species does cover the subject matter of claim 50. Applicant respectfully requests examination of claim 50.

With respect to the IDS, Applicant notes that the correct patent numbers were 4,422,939 (Sharp et al.) and 6,485,502 (Don Michael et al.). Applicant apologizes for any confusion with respect to the numbers. However, Applicant believes that these references are cumulative, and thus these will not be resubmitted for consideration.

Drawings

The Examiner objected to the drawings for several specific issues. Applicant thanks the Examiner for a careful reading of the application and drawings. The specific issues are discussed in order presented in the Office Action.

The Examiner objected to the drawings for missing the reference numbers 240, 242, 358. Reference number 358 has been added to Fig. 12 to match the description. The specification has been corrected to replace reference numbers 240, 242 with 280, 282 such that the specification is now consistent with the Figures with respect to these reference numbers.

The Examiner objected to the drawings for including reference numbers 280, 282 that were not included in the description. The description has been amended to replace 240, 242 with

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the correct reference numbers 280, 282. Thus, the reference numbers 280, 282 in the figures are now included in the description.

The Examiner noted that reference numbers 322, 324 in the Figures were presented as 332, 334 in the specification. The drawings have been corrected.

In view of the corrections to the drawings and amendments to the specification, Applicant respectfully requests withdrawal of the objection to the drawings.

#### Specification

The Examiner objected to the specification based on a lack of clarity or support. In particular, the Examiner cited two particular issues, which are addressed in order presented.

The Examiner indicated that the use of (22,23), (19,20) and (21) were unclear. These expressions have been deleted from the text.

The Examiner further indicated that the features of claim 25 relating to the surface area of the SCF fibers were not supported by the specification. This support has been added on page 12 as indicated above in the amendments.

In view of the amendments, Applicant respectfully requests withdrawal of the objection to the specification.

#### Claim Objections

The Examiner objected to claims 20-37, 47 and 52 based on asserted informalities. In view of the Examiner's comments, "SCF fibers" has been replaced with "surface capillary fibers" and tPA has been replaced with tissue plasminogen activator. In view of these amendments, Applicant respectfully requests withdrawal of the objection to the claims.

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Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 20, 25-31, 33-37 and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,350,253 to Deniega et al. (Deniega). The Examiner pointed to element (54) of Deniega as a SCF fiber. With all due respect, Deniega does not teach a structure that reasonably can be referred to as a SCF fiber. Applicant maintains that Deniega clearly does not anticipate Applicant's claimed invention. Applicant respectfully requests reconsideration of the rejection based on the following comments.

Under MPEP 2111 and cases cited therein, the USPTO can interpret claims under their broadest reasonable interpretation in view of the specification as interpreted by a person of ordinary skill in the art. Element (54) of Deniega is a "tubular porous membrane." See, for example column 9, lines 22-46 of Deniega. Element (54) of Deniega does not have a surface structure that can in any reasonable way be described as a surface capillary. Applicant's specification makes it clear that a surface capillary fiber has a surface structure that forms the surface capillaries. The structures of Deniega do not have any corresponding structures that can be interpreted reasonably as a surface capillary fiber in view of Applicant's specification.

With respect to claim 34, the Examiner points to a polymer at column 9, lines 1-6 as the non-porous structure. However, this polymer is incorporated into tube 52, which has exit holes, i.e., pores. Therefore, this polymer is not part of a non-porous structure. Therefore, there are multiple deficiencies of the reference at least with respect to claim 34.

Since, Deniega does not teach all of the elements of Applicant's claimed invention, Deniega does not anticipate Applicant's claimed invention. While Applicant does not acquiesce with the assertions regarding the other specific features of the claims, these issues are moot in

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view of the deficiencies of Deniega noted above. Applicant respectfully requests withdrawal of the rejection of claims 20, 25-31, 33-37 and 47 under 35 U.S.C. § 102(b) as being anticipated by Deniega.

Rejections Over Deniega and DiCarlo

The Examiner rejected claims 21, 22, 24, 25, 32 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Deniega in view of U.S. patent 6,929,626 to DiCarlo et al. (DiCarlo). As noted above, Deniega does not teach all of the elements of the independent claims. With all due respect, Applicant maintains that DiCarlo does not make up for the deficiencies of Deniega. The combined teachings of Deniega and DiCarlo do not render Applicant's claimed invention *prima facie* obvious. Applicant respectfully requests reconsideration of the rejection in view of the following comments.

As noted above, Deniega does not teach surface capillary fibers. The Examiner asserted that DiCarlo discloses surface capillary fibers at elements 18 and 22. Element 18 has a "textile pattern." However, a textile pattern is a woven sheet of fibers. A fabric weave has gaps formed by the weave. However, gaps cannot form a capillary along the structure in any sense of the word since a capillary is a structure while a gap is a lack of structure. Catheter 22 similarly does not have surface capillaries as would reasonably be understood by a person of ordinary skill in the art. Therefore, neither Deniega nor DiCarlo teaches surface capillary fibers. Since the references alone or combined do not teach all of the elements of the claims, the combined teachings of the references do not render Applicant's claimed invention *prima facie* obvious. Applicant respectfully requests withdrawal of the rejection of claims 21, 22, 24, 25, 32 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Deniega in view of DiCarlo. While

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Applicant does not acquiesce in the particular assertions relating to the features of the dependent claims, Applicant does not presently comment on these issues since they are moot in view of the deficiencies discussed in detail above.

Rejection Over Deniega and Samson

The Examiner rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Deniega in view of U.S. patent 6,066,149 to Samson et al. (Samson). As noted above, Deniega does not teach or suggest surface capillary fibers. Similarly, Samson does not teach or suggest surface capillary fibers. Since the combined teachings of the references do not teach all of the features of the claims, the combined teachings of Deniega and Samson do not render the claimed invention *prima facie* obvious. Applicant respectfully requests withdrawal of the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Deniega in view of Samson.

CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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